

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action mailed March 19, 2008. A Petition for Extension of Time (one month) and the fee therefor are submitted herewith.

Claims 1-38 are the claims currently pending in the present application.

Claims 1, 33 and 38 are amended to clarify features recited thereby. This amendment is fully supported by applicant's disclosure, see, for example, originally-filed claim 5 and Fig. 12. Further, claim 5 is amended to remove a redundancy and claims 25 and 26 are amended so as to conform them more closely to U.S. patent practice style.

The amendments are not believed to raise new issues that would require further searching. Accordingly, a Request for Continued Examination is not being filed at this time.

Rejection of Claims 1, 2, 10, 11, 15, 16, 23-25 and 38 under 35 U.S.C. § 102

Claims 1, 2, 10, 11, 15, 16, 23-25 and 38 are rejected under 35 U.S.C. § 102 as being anticipated by Sasaki (2002/0055758). Reconsideration of this rejection is respectfully requested.

Without intending to limit the scope of the claims, according to an aspect of applicant's invention as claimed in claims 1 and 38, the connecting rod having at its distal end the sliding member and at its proximal end a driving rod, such as the first driving rod, may have an end surface that is inclined so that abutment with the sliding member may be more securely achieved and force applied from the driving rod can be more securely transmitted, as explained in more detail, for example, on pages 54 and 57 of applicant's Specification and as illustrated at Fig. 12 of the Drawings.

Claims 1 and 38 require that when the insertion section and the support are arranged on the same axis, an end surface in an axial direction of the connecting rod is inclined in an axial direction of the insertion section and the support.

Sasaki discloses a surgical instrument with a treatment section that is openable/closeable and rotatable from side to side and up and down using driving rods (Sasaki, Abstract).

Sasaki does not disclose or suggest the above-cited features of claims 1 and 38. Further, the Office Action does not allege Sasaki discloses or suggests such features. Accordingly, claims 1 and 38 are neither anticipated by nor obvious from Sasaki.

Claims 2, 10, 11, 15, 16 and 23-25 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claims 3-5, 17-22 and 27-32 under 35 U.S.C. § 103

Claims 3-5, 17-22 and 27-32 are rejected under 35 U.S.C. § 103 as being obvious from Sasaki, in view of Klieman (5,827,323). Reconsideration of this rejection is respectfully requested.

As discussed, Sasaki does not disclose or suggest the above-cited features of claim 1. However, the Office Action alleges that Klieman discloses or suggests such features and cites the angular protrusion 23 in the distal end of the tubular barrel 10.

Klieman discloses that elongated members 32 and 34 have at their distal end racks 33 and 35, and that these racks 33 and 35 are prevented from engaging tissue during a surgical procedure by the angular protrusion 23 in the distal end of the tubular barrel 10 (Klieman, column 7, lines 61-67; Figs. 2B and 2C). Thus, Klieman discloses that angular protrusion 23 is provided as a safety member to prevent engagement of the racks with the living tissue to be operated upon.


Klieman does not disclose or suggest an end surface in the connecting rod that is inclined, the connecting rod being positioned to engage the sliding member, as required by claim 1. Therefore, even taken together in combination, Sasaki and Klieman do not disclose or suggest the recitations of claim 1.

Claims 3-5, 17-22 and 27-32 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the forgoing discussion, withdrawal of the rejections and allowance of the claims of the application are respectfully requested. Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON JUNE 24, 2008


MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700